

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 9, 2021

3:01 p.m.

DRAFT

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Geran Tarr
Representative Andi Story
Representative Matt Claman
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 18

"An Act relating to national board certification for public school teachers."

- MOVED HB 18 OUT OF COMMITTEE

HOUSE BILL NO. 62

"An Act relating to solemnization of marriage."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 18

SHORT TITLE: TEACHERS: NATIONAL BOARD CERTIFICATION

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, EDC
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/02/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/02/21	(H)	Heard & Held

03/02/21	(H)	MINUTE (STA)
03/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/04/21	(H)	Heard & Held
03/04/21	(H)	MINUTE (STA)
03/09/21	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 62

SHORT TITLE: MARRIAGE WITNESSES

SPONSOR(s): REPRESENTATIVE(s) CLAMAN

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/04/21	(H)	Heard & Held
03/04/21	(H)	MINUTE (STA)
03/09/21	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

NANCY MEADE, General Counsel
Alaska Court System
Juneau, Alaska

POSITION STATEMENT: Answered questions pertaining to HB 62.

ACTION NARRATIVE

[3:01:52 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:01 p.m. Representatives Claman, Tarr, Kaufman, Story, and Kreiss-Tomkins were present at the call to order. Representatives Eastman and Vance arrived as the meeting was in progress.

^#hb18

HB 18-TEACHERS: NATIONAL BOARD CERTIFICATION

[3:02:39 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 18, "An Act relating to national board certification for public school teachers."

[3:03:22 PM](#)

The committee took an at-ease from 3:03 p.m. to 3:05 p.m.

3:05:01 PM

CHAIR KREISS-TOMKINS said the committee would take up the consideration of amendments for HB 18.

3:05:11 PM

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, [labeled 32-LS0168\A.1, Klein, 3/6/21], which read:

Page 1, line 5:

Following "certification":

Insert "In this subsection, "prominent location" includes a school-managed Internet website."

CHAIR KREISS-TOMKINS objected.

REPRESENTATIVE EASTMAN stated that Amendment 1 would clarify that the school's prominent location would include a school-managed website. He added that the school would be encouraged to use that website to promote the information encompassed by the bill, should it pass.

3:05:48 PM

CHAIR KREISS-TOMKINS spoke in opposition to the proposed amendment. He conveyed that one of the central purposes of the bill is to uplift and highlight national board certification and the excellent educators who attain it. He said one of the key ideas, although subtle, is to display that physical, visual recognition. He noted that the idea was in consultation with superintendents, school boards, and teachers and wasn't meant to be an onerous, "from-the-top" requirement. He added that the bill has the support of all those stakeholders. He pointed out that it's similar to the concept of license plates that recognize veterans, created by the legislature, for visual, physical recognition rather than an online registry.

3:07:18 PM

REPRESENTATIVE STORY offered to discuss the idea with stakeholders when the bill goes to the House Education Committee.

3:07:50 PM

REPRESENTATIVE TARR said she doesn't disagree with the sentiment [of the proposed amendment]; however, after speaking with the bill sponsor, she resolved to stick with his intent to display physical recognition. For that reason, she said she would not be supporting the proposed amendment. Nonetheless, she suggested that in addition to being prominently placed, the website could also include the information [pertaining to national board certification].

3:08:49 PM

REPRESENTATIVE VANCE pointed out that the proposed amendment includes a school-managed website, which would not exclude the information from being displayed at the physical location. She asked if that is an accurate assessment.

REPRESENTATIVE EASTMAN confirmed [that the physical location would not be excluded].

REPRESENTATIVE VANCE said, as a parent who homeschools her children, she is often referred to the school's website. She stated her belief that the proposed amendment would expand the prominence of [national board certification] recognition. She stated her belief that as the internet has become an immediate point of entry to the school system, this could be an asset for teachers who don't have direct one-on-one contact with students.

3:10:29 PM

REPRESENTATIVE KAUFMAN echoed the sentiments shared by Representative Vance. He stated that [the proposed amendment] would clarify that the "burden" could be made easier. He added that it would help with communication.

3:10:55 PM

REPRESENTATIVE EASTMAN surmised that requiring a physical name and space may have several unintended consequences. He considered a future scenario in which a public school might have an exclusively virtual presence, which would make satisfying this requirement problematic. He considered a different scenario in which a teacher did not want his/her name displayed. He questioned why [physical recognition] is being "[forced]" if it's a good idea. He suggested allowing the school to choose whether to display the physical recognition instead of making it

a requirement and, effectively, an unfunded mandate. He said Amendment 1 would lower that threshold and expressed his maintained support for the proposal.

[3:12:48 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of the adoption of Amendment 1. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

[3:13:37 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2, [labeled 32-LS0168\A.4, Klein, 3/6/21], which read:

Page 1, line 9, following "Standards":

Insert "or another organization offering national board certification"

REPRESENTATIVE CLAMAN objected.

[3:13:45 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 2 would allow another organization offering national board certification, in addition to the National Board for Professional Teaching Standards (NBPTS), to satisfy the requirement. He noted that [the proposed amendment] was drafted without a particular organization in mind. Additionally, he posited that it would be prudent to ensure that the legislature would not have to amend the statute for a future organization.

CHAIR KREISS-TOMKINS expressed his opposition to the proposed amendment. He said it would have no effect on the implementation of the bill because there is no other entity that provides national board certification at this time. He further noted that the organization presently named in the bill has been providing certification for decades without any emerging "competitors." For that reason, he said it makes sense to keep the bill "tight and clean," later adding that there is ample precedent of naming different nonprofit entities in statute.

[3:15:40 PM](#)

REPRESENTATIVE TARR said she felt assured by the stakeholders' involvement and deep familiarity with the [NBPTS] program and

its associated requirements. She expressed her concern that the proposed amendment could allow and encourage certification from an organization with unknown merit.

[3:17:07 PM](#)

REPRESENTATIVE KAUFMAN shared his belief that the proposed amendment would allow for more local control if a school board were to choose another certifying board, should one exist. He stated that times are changing faster than ever, and Amendment 2 could be a concession for the future.

[3:17:45 PM](#)

REPRESENTATIVE EASTMAN opined that inserting the name of a private organization into statute is not ideal because it designates a particular entity. Nonetheless, he said he offered the amendment as a concession to avoid inadvertently precluding other private organizations that might benefit teachers and schools.

REPRESENTATIVE CLAMAN maintained his objection.

[3:18:58 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of the adoption of Amendment 2. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 2 failed a vote of 3-4.

[3:19:43 PM](#)

REPRESENTATIVE KAUFMAN [moved to adopt] Amendment 3, [labeled 32-LS0168\A.5, Klein, 3/8/21], which read:

Page 1, line 4:

Delete "public school shall"

Insert "local school board may require a public school to"

REPRESENTATIVE CLAMAN objected.

[3:20:22 PM](#)

REPRESENTATIVE KAUFMAN noted that local control is the concept behind Amendment 3, such that a school board could opt for an

emerging opportunity that better fits its purposes as opposed to the state setting requirement.

CHAIR KREISS-TOMKINS spoke in opposition to Amendment 3 despite being sympathetic to the spirit in which it was written. He acknowledged that he is cautious of state requirements and mandates, noting that he had dialogued with AASB [Association of Alaska School Boards] and the Alaska Superintendents Association about repealing a variety of state requirements that were passed decades ago and had outlived their useful purpose. Nonetheless, he maintained his support for the "shall" in this legislation due to close coordination with stakeholders and their expressed support.

[3:22:08 PM](#)

REPRESENTATIVE EASTMAN expressed his appreciation for the proposed amendment because it would give authority to local school boards. He stated his belief that it offers a better long-term solution than a state mandate. He emphasized the importance of local control, adding "the school board that is supportive today may not be, either with someone on that board changing [his/her] mind or ... after an election." He expressed his support for Amendment 3 out of deference for future solutions.

[3:23:35 PM](#)

REPRESENTATIVE VANCE conveyed her "heartburn" towards requiring schools, by law, to display something that [schools] would naturally be proud of. She said the proposed amendment recognizes school boards as the governing body of schools and encourages them to prominently display [national board certification]. She stated her support for Amendment 3 because it encourages local school boards to choose what's best for their communities.

[3:24:41 PM](#)

REPRESENTATIVE TARR noted that the bill sponsor's uneasiness with the proposed amendment was influential in her thinking. Additionally, she questioned whether the benefit would be the same without recognition. She pointed out that [national board certification] is a big investment in both time and money, adding that teachers might see it as a better investment if they knew their investment would be recognized anywhere in the state. She speculated that recognition could encourage teachers,

further noting that the goal is to double the number of [national board certified] teachers. For those reasons, she said she would not be supporting Amendment 3.

[3:26:28 PM](#)

REPRESENTATIVE STORY said she is glad the bill would be heard by the House Education Committee and expressed her support for the [bill sponsor's] intent.

[3:27:34 PM](#)

REPRESENTATIVE CLAMAN maintained his objection.

[3:27:39 PM](#)

A roll call vote was taken. Representatives Kaufman, Eastman, and Vance voted in favor of the adoption of Amendment 3. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 3 failed by a vote of 3-4.

[3:28:27 PM](#)

CHAIR KREISS-TOMKINS directed the discussion back to HB 18.

REPRESENTATIVE TARR proposed the idea of the state covering the cost of [national board certification] to avoid excluding those who are not financially able but otherwise interested; however, given the state's current [budget] situation and because the bill does not have a fiscal note, she expressed interest in reconsidering her proposal if Alaska's circumstances improve. She further noted her gratitude to teachers who make these investments in their profession.

[3:29:34 PM](#)

REPRESENTATIVE EASTMAN thanked the sponsor for bringing this legislation forward. He stated that he would be opposing the bill as it's currently written. He cautioned against inserting the name of a private organization into statute because it could open the state up to liabilities in the future.

[3:31:10 PM](#)

REPRESENTATIVE CLAMAN thanked the sponsor and shared his belief that the bill is about teachers and giving them the opportunity to obtain a certification that that would send a positive

message to students and parents about the quality of education they receive in [Alaska's] schools.

3:31:30 PM

CHAIR KREISS-TOMKINS said he shared Representative Tarr's perspective that if there is a future opportunity to reimburse teachers, at minimum for the fees of this credential, it would be a great step for the state and a tremendous return on investment. He further noted that it would be consistent with many states across the country. He opined that it's extraordinary that two-plus percent of Alaska teachers sacrifice their nights, weekends, and thousands-of-dollars to become certified as a matter of professional pride, later adding that it's worth celebrating and recognizing, which is, in part, what this bill aims to do. He acknowledged Representative Eastman's point from a philosophical perspective; however, he highlighted state precedent in which private nonprofits are written into law, such as TVEP [Alaska Technical Vocational Education Program] and VPSO [Village Public Safety Officer] service provided by the Central Council of the Tlingit and Haida Indian Tribes of Alaska, further noting that all of the concerns cited by Representative Eastman would apply there too, but it doesn't impede them from administering the services they provide across the state.

3:33:05 PM

REPRESENTATIVE CLAMAN moved to report HB 18 out of committee with individual recommendations and the accompanying [zero] fiscal notes.

REPRESENTATIVE EASTMAN objected.

3:33:21 PM

A roll call vote was taken. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted in favor of reporting HB 18 out of committee. Representatives Vance, Kaufman, and Eastman voted against it. Therefore, HB 18 was reported out of the House State Affairs Standing Committee by a vote of 4-3.

3:34:10 PM

The committee took a brief at-ease.

^#hb62

HB 62-MARRIAGE WITNESSES

[3:35:52 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 62, "An Act relating to solemnization of marriage."

[3:36:10 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 62. After ascertaining that no one wished to testify, he closed public testimony.

[3:36:47 PM](#)

REPRESENTATIVE CLAMAN, prime sponsor of HB 62, said he had no additional comments other than noting that the bill follows House Bill 20, which expanded the list of people who could solemnize marriage to include elected public officials. He noted that House Bill 20 passed 29-6 in the House and 17-2 in the Senate in 2018.

[3:37:54 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1 [labeled 32-LS0272\A.2, Dunmire, 3/8/21], which read:

Page 1, following line 2:

Insert a new bill section to read:

"* Section 1. AS 25.05.261(c) is amended to read:

(c) Nothing in this section creates or implies a duty or obligation on a person authorized to solemnize a marriage under **(a)** [(a)(1), (3), OR (4)] of this section to solemnize any marriage."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

REPRESENTATIVE CLAMAN objected.

[3:38:02 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 1 would clarify that [the legislature] is not trying to compel, coerce, or legally force anyone to preside over a wedding in Alaska. He pointed out that Alaska's only requirement is that the person presiding over a wedding be [at-least] 18 years old and the proposed amendment would clarify that he/she is not required to solemnize the marriage.

[3:40:20 PM](#)

REPRESENTATIVE CLAMAN stated his opposition to Amendment 1. He noted that Representative Eastman proposed the same Amendment to House Bill 20 in 2018, which failed by a vote of 6-29 on the House floor. He explained that the real impact of this amendment would implicate judges, who are statutorily required to set their political, religious, and personal opinions aside and perform certain ceremonial functions, which the court is required to do. He recalled Nancy Meade explaining why including subparagraph (a)(2) would be problematic, as it would allow a judge's personal opinion to interfere with his/her official duty. He deferred to Ms. Meade for further explanation.

[3:42:04 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, stated that the proposed amendment was previously discussed with respect to House Bill 20. She reiterated that it presents a problem and a conflict for judges who have an ethical obligation to handle any case that comes before them. She added that judges do not have the ability to turn something down or not do a duty because of a personal belief. Given that Amendment 1 would create that conflict for judges, she said it would be problematic.

[3:43:17 PM](#)

REPRESENTATIVE KAUFMAN questioned whether anyone other than judges could be statutorily required to perform a marriage.

MS. MEADE said she could not think of a circumstance in which a marriage commissioner would be forced to [perform a marriage] because he/she would have said no to the couple and would not show up at the court, nor pay \$25 to become a marriage commissioner in the first place.

REPRESENTATIVE KAUFMAN inquired about individuals who are "standing" marriage commissioners. He asked whether that exists or if it's a "one-time thing over and over."

MS. MEADE replied it's almost always a one-time thing, as in a couple asks somebody to marry them and that person gets a one-time commission for that couple. She noted that in some districts, a person could get a longer-term marriage commissioner appointment; however, AS 25.05.081 states that the marriage commissioner must solemnize marriages in the same manner as a district judge or magistrate, so the idea that the marriage commissioner could be forced to perform a marriage is theoretical. She stated her belief that it would be extremely rare for a marriage commissioner to be, somehow, forced to perform a marriage after expressing disinterest.

[3:46:41 PM](#)

REPRESENTATIVE CLAMAN shared his understanding that the practical reality of marriage commissioners is that they get requested to perform a ceremony and have already agreed to it before obtaining the certificate. He shared a personal anecdote regarding House Bill 20.

[3:48:29 PM](#)

REPRESENTATIVE EASTMAN maintained that Amendment 1 would provide a solution for a problem created in a previous piece of legislation. He indicated that some are equating marriage with the idea that it's "just a rubber stamp and anyone should sign a marriage certificate for no other reason than someone is asking them to," which he saw as a departure from the way Alaska has historically viewed marriage. He considered a situation in which a judge or marriage commissioner expresses a desire not to marry a couple and said [the legislature] ought to give him/her the same right that legislators have been provided under statute. He suggested that Amendment 1 would correct the disparity in the law created by the passage of House Bill 20.

REPRESENTATIVE CLAMAN maintained his objection.

[3:50:38 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of the adoption of Amendment 1. Representatives Claman, Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

CHAIR KREISS-TOMKINS announced HB 62 was held over.
#

[3:51:51 PM](#)

CHAIR KREISS-TOMKINS made a motion to appoint Representative Claman as the Vice Chair of the House State Affairs Standing Committee.

[3:52:48 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:52 p.m.